

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2009-0612-01	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
RECEIVED FOR FILING PUBLICATION DATE JUN 12 '09 JUN 26 '09 Office of Administrative Law			
NOTICE		REGULATIONS	

AGENCY WITH RULEMAKING AUTHORITY
Business, Transportation & Housing

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Public Infrastructure Advisory Commission (PIAC)		TITLE(S) 21	FIRST SECTION AFFECTED 7700	2. REQUESTED PUBLICATION DATE June 26, 2009
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Jim Bourgart	TELEPHONE NUMBER (916) 323-5412	FAX NUMBER (Optional) (916) 327-0051
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL
TITLE(S)	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON

TELEPHONE NUMBER

FAX NUMBER (Optional)

E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

For use by Office of Administrative Law (OAL) only

TITLE 21. PUBLIC WORKS
DIVISION 3. BUSINESS, TRANSPORTATION AND HOUSING AGENCY
CHAPTER 7. PUBLIC INFRASTRUCTURE ADVISORY COMMISSION
(Notice published June 26, 2009)

NOTICE OF PROPOSED RULEMAKING

TO ALL INTERESTED PERSONS

The Business Transportation and Housing Agency (Agency) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action. Following the comment period, the proposal may be adopted substantially as set forth without further notice.

PUBLIC HEARING

Agency has not scheduled a public hearing on this proposed action. However, Agency will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested persons, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Agency. The written comment period closes at 5:00 p.m. on August 10, 2009. Agency will consider only comments received at the address listed below by that time. Submit comments to:

Business Transportation and Housing Agency
Attn: Jim Bourgart
980 9th Street, Suite 2450
Sacramento, CA 95814-2719

AUTHORITY AND REFERENCE

Government Code section 11342.2 authorized Agency to adopt the proposed regulations, which would implement, interpret and make specific section 143 of the Streets and Highways Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Agency proposes to adopt Chapter 7. Public Infrastructure Advisory Commission, Articles 1 and 2, Sections 7700 - 7712, in Title 21, of the California Code of Regulations.

Government Code section 11342.2 authorizes a state agency to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute.

S.B. No. 4 was passed during the Second Extraordinary Session of 2009 to authorize the Business, Transportation and Housing Agency to establish a Public Infrastructure Advisory Commission. The legislation and the commission that is established is critical in resolving the current economic crisis in California. The proposed emergency regulatory action will establish, define and set up the structure, procedure and conduct of business of the Public Infrastructure Advisory Commission without costly delay.

DISCLOSURES REGARDING THE PROPOSED ACTION

Agency has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any agency: None

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Costs or savings in federal funding to the State: None.

Significant, statewide adverse economic impacts directly affecting business including the ability of California businesses to compete with businesses in other States: None.

Cost impacts on a representative private person or business: Agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

Adoption of these regulations will not:

1. create or eliminate jobs within the State of California;
2. create new businesses or eliminate existing businesses within the State of California;
3. affect the expansion of businesses currently doing business within the state of California.

Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

Agency has determined that the proposed regulatory action will not affect small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), Agency must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Agency invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jim Bourgart
Business Transportation and Housing Agency
980 9th Street, Suite 2450
Sacramento, CA 95814-2719
Telephone (916) 323-5412

The backup contact person for these inquiries is:

Augustine Jimenez
Business Transportation and Housing Agency
980 9th Street, Suite 2450
Sacramento, CA 95814-2719
Telephone (916) 327-2820

Questions on the substance of the proposed regulations may be directed to either Mr. Bougart or Mr. Jimenez.

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Jim Bourgart or Augustine Jimenez at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

Agency will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Jim Bourgart or Augustine Jimenez at the address or phone numbers listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, Agency may adopt the proposed regulations substantially as described in this notice. If Agency makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before Agency adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Jim Bourgart or Augustine Jimenez at the address indicated above. Agency will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Jim Bourgart or Augustine Jimenez at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline can be accessed through our website at http://www.bth.ca.gov/news_pub/regulatory_notices.asp.

**ORDER ESTABLISHING THE PUBLIC INFRASTRUCTURE ADVISORY
COMMISSION AND REGULATIONS RELATING THERTO**

TITLE 21. PUBLIC WORKS

**DIVISION 3. BUSINESS, TRANSPORTATION AND HOUSING AGENCY
CHAPTER 7. PUBLIC INFRASTRUCTURE ADVISORY COMMISSION**

ARTICLE 1. ESTABLISHMENT AND DEFINITIONS

§ 7700 Establishment of Public Infrastructure Advisory Commission

(a) By the authority set forth in Government Code section 13978 and Streets and Highways Code section 143, subdivision (a), paragraph (5), the Public Infrastructure Advisory Commission (Commission) is hereby established within the Business, Transportation and Housing Agency.

(b) The Commission's business shall be conducted in accordance with sections 7701 through 7712 of these regulations.

Note: Authority cited: Section 11342.2, Government Code and Section 143, Streets and Highways Code. Reference cited: Section 143, Streets and Highways Code.

§ 7701 Establishment of Commission

(a) There is the Public Infrastructure Advisory Commission (Commission) established within the Business, Transportation and Housing Agency (Agency) pursuant to Streets and Highways Code section 143, subdivision (a), paragraph (5).

(b) The Commission is under the direct control and supervision of the Secretary and it is operated as a program under the Agency.

(c) The Commission shall serve as an advisory board.

(d) The Commission shall operate and conduct its business pursuant to its statutory purpose, which shall include advising the California Department of Transportation and regional transportation agencies, as defined in Streets and Highways Code section 143, in developing transportation projects through performance-based infrastructure projects, otherwise called public-private partnerships.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7702 Definitions

- (a) "Agency" means the Business, Transportation and Housing Agency.
- (b) "Commission" means the Public Infrastructure Advisory Commission.
- (c) "Member or commissioner" means a person appointed by the Secretary to serve on the Commission.
- (d) "Secretary" means the Secretary of the Business, Transportation and Housing Agency.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

ARTICLE 2. STRUCTURE, PROCEDURE AND CONDUCT OF BUSINESS OF THE PUBLIC INFRASTRUCTURE ADVISORY COMMISSION

§ 7703 Commission Membership

- (a) Members of the Commission shall be appointed by the Secretary and shall hold office at the pleasure of the Secretary.
- (b) The Commission may organize itself into committees.
- (c) The Commission may use staff and consultants to carry out its functions. Staff work may also be provided by the Agency or personnel from departments or programs within the Agency.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7704 Meetings

(a) Regular meetings of the Commission shall be held at least four times annually. Notice of all regular meetings of the Commission and an agenda of such meetings enumerating the items to be considered at the meeting shall be mailed to each commissioner seven days before the day on which the regular meeting of the Commission is scheduled. The agenda shall include the items of business to be transacted, and no item shall be added to the agenda unless a statement is included setting forth the unforeseen emergency condition. Notice of such meeting shall be given at least one week in advance of such meeting to any person who requests such notice in writing. A person may request and be provided notice for all meetings of the Commission or may limit his request to notice for a specific meeting or meetings.

(b) All meetings of the Commission, with the exception of executive sessions permitted under Government Code section 11126, are open meetings properly announced in accordance with the provisions of the Bagley-Keene Open Meeting Act (commencing with Government Code section 11120).

(c) A quorum at all meetings of the Commission shall consist of a majority of the voting members of the whole Commission.

(d) The act of a majority of a quorum shall be the act of the Commission.

(e) Commission meetings, where possible, are recorded electronically. Otherwise, the Commission shall keep accurate minutes of all meetings and make them available to the public. The original copy of the minutes is that signed by the Executive Director and is the evidence of taking any action at a meeting. Any resolution that may be adopted at a meeting shall be entered in the text of the minutes by reference.

(f) Commission meetings, when appropriate, may be held in accordance with Government Code Section 11123.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7705 Special and Emergency Meetings

In addition to the Bagley-Keene Open Meetings Act, the following shall be defined as a special and emergency meeting and shall apply in the appropriate instance.

(a) Special meetings of the Commission may be called at any time by the chair or by a majority of the Commission. In the event such special meeting is called, notice will be sent to those who have requested such notice as provided in this article.

(b) Emergency meetings of the Commission may be called at any time by the chair or a majority of the Commission when such meeting is necessary to discuss an unforeseen emergency condition. In the event such emergency meeting is called, notice will be sent to those who have requested such notice by such means as the Executive Director deems appropriate.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7706 Committees and Committee Meetings

(a) The Commission may organize itself into committees.

(b) After consulting with members of the Commission, the Chair of the Commission shall appoint the members of the committees of the Commission, subject to the approval of the Secretary. Committees shall be composed of no more than four members. Two members shall constitute a quorum. Majority vote of the committee and at least two votes shall be required for committee action.

(c) Should a committee lack a quorum, the Commission chair shall appoint temporary committee members to establish a quorum. If the Commission chair is not available, the committee chair may appoint temporary committee members. In the absence of either the Commission chair or committee chair, the committee member present may appoint temporary members. The Commission chair shall not serve on any of the committees except

in an ex-officio capacity. Each committee shall elect one of its members, on an annual basis, as the committee chair who shall preside at all committee meetings. In the absence of the elected chair, the committee members present shall select a temporary chair.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7707 Chair

(a) The Secretary shall serve as the interim Chair of the Commission. As the interim Chair, the Secretary may designate an interim Vice-Chair from the members of the Commission.

(b) As interim Chair, the Secretary shall preside over all Commission meetings and, at a time deemed appropriate by the Secretary, set a meeting of the Commission at which time the members of the Commission shall elect a Chair and Vice-Chair from their number who shall not be the Secretary, subject to the approval of the Secretary.

(c) Upon the expiration of the period of service of the Secretary as the interim Chair, each year at a meeting determined by the Commission, the members of the Commission shall elect a Chair from their number, subject to the approval of the Secretary. The Chair so elected shall serve in that capacity for the year commencing March 1 next following provided that no Chair of the Commission so elected shall serve as Chair for successive terms.

(d) Subject to the supervision of the Secretary, the Chair shall preside over all Commission meetings. The Chair shall sign and countersign, or authorize another Commission member to sign or countersign, all certificates, contracts, and other instruments of the Commission. The Chair shall also report to the Commission and the Secretary and shall perform all such other duties as are incident to discharge the duties of the Chair or properly required by the Commission.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7708 Vice-Chair

(a) Each year at the same meeting that a Chair is elected, the members of the Commission shall elect a Vice-chair from their number, subject to the approval of the Secretary. The Vice-chair thus elected shall serve in that capacity for the same year during which the Chair elected shall serve, and the Vice-chair so elected shall preside in the absence of the Chair. The Vice-chair may, at the request of the Chair, preside at a meeting notwithstanding that the Chair is present at that meeting.

(b) In absence of the Chair or in the event of death, disability, refusal or inability to act, the Vice-Chair shall perform the duties of the Chair and when so acting shall have all the powers and be subject to all the restrictions of the Chair. The Vice-Chair shall also have those powers and discharge those duties as may be assigned from time to time by the Commission or the Secretary.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7709 Absence of Chair and Vice Chair

In the event of the absence of both the Chair and the Vice-chair from any meeting, the members of the Commission present shall elect a Chair from their number to preside at that meeting.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7710 Absence of Commissioners

The voting members of the Commission must notify the Executive Director or Commission Chair when they will be prevented from attending a duly noticed Commission meeting or committees of which they are a member and the reasons therefore. Should commissioners absent themselves from all regularly noticed meetings of the Commission or committee meetings for 90 days consecutively from the last attended meeting, without prior notification of a justifiable reason or without permission of the Chair, the Commission shall describe the facts and circumstances in its minutes or by special resolution and forward said minutes or special resolution to the Secretary or the Agency.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7711 Ethics, Economic Interest

(a) Commissioners, as members or as a group, will not accept gifts and gratuities for social purposes. These may include but are not limited to beverages, meals, hosted functions, tickets to athletic or sporting events, entertainment, or theatrical performances, trips or excursions.

(b) Each Commission member shall file with the Agency a Statement of Economic Interest (Form 700) pursuant to an appropriate disclosure category consistent with the Agency Conflict of Interest Code, title 21, California Code of Regulations, section 7000.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

§ 7712 Procedural Rules

Procedural rules not established by statute or regulations may be amended at any meeting by majority vote of the members of the Commission, provided that such proposed amendment has been read into the minutes of the previous meeting of the Commission.

Note: Authority cited: Section 11342.2, Government Code. Reference cited: Section 143, Streets and Highways Code.

INITIAL STATEMENT OF REASONS

PIAC Regulations

Section 7700

SPECIFIC PURPOSE OF THE REGULATION.

The regulation identifies the statutory authority provided for the establishment of the Commission and identifies the newly proposed regulations for the framework of its operation.

NECESSITY.

This regulation is necessary to identify the statutory and regulatory framework for the formation and operation of the Commission.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7701

SPECIFIC PURPOSE OF THE REGULATION.

The proposed regulation provides further implementation details on the establishment of the Public Infrastructure Advisory Commission (PIAC). The subdivisions reference the enabling legislation, clarify the relationship of the Commission to the Secretary further explaining the nature of the entity described by the statute as a unit or auxiliary organization and detail the form of operation clarifying that the Commission will operate as a governing board with an executive director, while conducting business to its statutory purpose.

NECESSITY.

The proposed regulation is necessary to clarify the relationship between the Agency and the Commission and also provide a structure of operation.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7702

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of this regulation is to provide definitions for the commonly used terms based on their statutory meanings.

NECESSITY.

This regulation is necessary to provide clarity for the terms listed.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

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The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7703

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of this regulation is to clarify and implement the internal structure of the Commission by stating that commissioners are subject to appointment by the Secretary; that committees may be formed; and that the Commission may be able to use staff work from various sources.

NECESSITY.

This regulation is necessary to clarify and implement the statutory authority granted to the Secretary in setting up the Commission. Details of the personnel and operation are provided for implementation purposes.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

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The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7704

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the regulation is to provide the framework for the board meetings of the Commission by setting forth the basic operational rules such as meeting frequency, meeting notices, quorum, voting, procedural rules and recording of the meetings.

NECESSITY.

This regulation is necessary to clarify basic operational rules applicable to Commission meetings.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7705

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the regulation is to specifically state and implement rules for special meetings and emergency meetings. Procedural rules and substantive rules are provided to determine when an emergency arises and warrants an emergency meeting.

NECESSITY.

This regulation is necessary is to define the substantive and procedural requirements for holding special and emergency meetings. The purpose of the detailed requirements is to avoid uncertainties.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7706

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the regulation is to set forth rules for committee structure and operation. The rules define the appointment of the chairs, voting, procedural rules, and the rules to be followed when a chair is not available.

NECESSITY.

This regulation is necessary to provide a structure for committee operation and procedural rules for committee meetings.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

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The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7707

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the regulation is to establish the procedural rules for the election and office of the Commission Chair.

NECESSITY.

This regulation is necessary to set forth the process of electing a Commission chair.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7708

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the regulation is to establish the procedural rules for the election and office of the Commission Vice-chair.

NECESSITY.

This regulation is necessary to set forth the process of electing a Commission Vice-chair.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

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Section 7709

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the rule is to establish a method electing a chair for meetings when the Chair and Vice-chair are unavailable.

NECESSITY.

This regulation is necessary to provide means of proceeding with Commission meetings when the Chair or Vice-chair are not available.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

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Section 7710

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the regulation is to provide for the commissioners in case of absence from the Commission meetings.

NECESSITY.

This regulation is necessary to assure that absences from Commission meetings are properly recorded and justified.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

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The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7711

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the regulation is to clarify the status of commissioners as state officials subject to the economic conflict of interest laws, and to curtail the receipt of gratuities and gifts for social purposes.

NECESSITY.

This regulation is necessary to clearly identify commissioners as state officials that are subject to economic statement of interest rules.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The regulations in setting forth the operational rules for the PIAC have no economic impact on businesses. The PIAC is a government entity that will conduct its business with other governmental entities and the Legislature. By its statutory functions, the PIAC will provide recommendation and advice to other governmental entities and to the Legislature and it will have no direct contact with business entities.

Section 7712

SPECIFIC PURPOSE OF THE REGULATION.

The purpose of the regulation is to establish that procedural rules not set by statute or regulations must be amended only by a majority vote.

NECESSITY.

This regulation is necessary to prevent the change of procedural rules without a majority vote of the commissioners.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Agency did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing these regulations. The regulations have been simply modeled on general boards and commission operation under California law.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the Agency.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES.

The Agency has not identified any impact on small businesses; therefore, no alternatives have been considered.

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ECONOMIC AND FISCAL IMPACT STATEMENT

(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2008)

See SAM Section 6601 - 6616 for instructions and Code Citations

DEPARTMENT NAME Business, Transportation and Housing Agency	CONTACT PERSON Jim Bourgart	TELEPHONE NUMBER (916) 323-5412
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Public Infrastructure Advisory Commission (PIAC)		NOTICE FILE NUMBER Z

ECONOMIC IMPACT STATEMENT**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|---|--|
| <input type="checkbox"/> a. Impacts businesses and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input checked="" type="checkbox"/> h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.) |

h. (cont.) Regulations impact only internal operation of the Public Infrastructure Advisory Commission.

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: _____ Describe the types of businesses (Include nonprofits.): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

3. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional (List areas.): _____

5. Enter the number of jobs created: _____ or eliminated: _____ Describe the types of jobs or occupations impacted: _____

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☐ No If yes, explain briefly: _____**B. ESTIMATED COSTS** (Include calculations and assumptions in the rulemaking record.)

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ _____

a. Initial costs for a small business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

b. Initial costs for a typical business: \$ _____ Annual ongoing costs: \$ _____ Years: _____

c. Initial costs for an individual: \$ _____ Annual ongoing costs: \$ _____ Years: _____

d. Describe other economic costs that may occur: _____

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

2. If multiple industries are impacted, enter the share of total costs for each industry: _____
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): \$ _____
4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____
5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: _____
- Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: _____
2. Are the benefits the result of : ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority? Explain: _____
3. What are the total statewide benefits from this regulation over its lifetime? \$ _____

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____
2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:
- | | | |
|----------------|-------------------|----------------|
| Regulation: | Benefit: \$ _____ | Cost: \$ _____ |
| Alternative 1: | Benefit: \$ _____ | Cost: \$ _____ |
| Alternative 2: | Benefit: \$ _____ | Cost: \$ _____ |

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____
4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☐ No Explain: _____

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ Yes ☐ No (If No, skip the rest of this section.)

2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: \$ _____ Cost-effectiveness ratio: \$ _____

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

☐ a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____
(FISCAL YEAR)

☐ 2. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

☐ a. implements the Federal mandate contained in _____

☐ b. implements the court mandate set forth by the _____
court in the case of _____ vs. _____

☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____
election; (DATE)

☐ d. is issued only in response to a specific request from the _____
_____, which is/are the only local entity(s) affected;

☐ e. will be fully financed from the _____ authorized by Section _____
(FEES, REVENUE, ETC.)
_____ of the _____ Code;

☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;

☐ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Savings of approximately \$ _____ annually.

☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

ECONOMIC AND FISCAL IMPACT STATEMENT cont. (STD. 399, Rev. 12/2008)

- ☒ 5. No fiscal impact exists because this regulation does not affect any local entity or program.
- ☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year. It is anticipated that State agencies will:
- ☐ a. be able to absorb these additional costs within their existing budgets and resources.
- ☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.
- ☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- ☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- ☒ 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year.
- ☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.
- ☒ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- ☐ 4. Other.

FISCAL OFFICER SIGNATURE



DATE

6/10/09

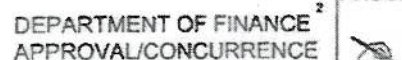
AGENCY SECRETARY ¹
APPROVAL/CONCURRENCE



DATE

6.10.09

DEPARTMENT OF FINANCE ²
APPROVAL/CONCURRENCE



PROGRAM BUDGET MANAGER

DATE

- The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.
- Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.